

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
August 20, 2020

ITEM: 4

SUBJECT: Public Hearing to consider adoption of Proposed Order No. R1-2020-0021, Short-Term Renewal of the *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region*, Order No. R1-2015-0021 (Devon Jorgenson).

BOARD ACTION: The North Coast Regional Water Quality Control Board (Regional Water Board) will consider adoption of proposed Order No. R1-2020-0021 (Proposed Order).

BACKGROUND: On October 8, 2015, the Regional Water Board adopted the *Waiver of Waste Discharge Requirements for Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region*, Order No. R1-2015-0021 (Federal Waiver). The Federal Waiver, which applies to federal land management activities such as timber harvesting, livestock grazing, vegetation management, road-related work, fire suppression and recovery, restoration, and recreation, will expire on October 8, 2020.

Regional Water Board staff are developing a new permit for certain nonpoint source activities on federal lands (Federal Lands Permit) to address lessons learned from implementing the Federal Waiver; changes to the environment; an increasing annual fire regime; new state and federal policies; and other factors that affect how the Regional Water Board should regulate federal lands.

DISCUSSION: The intent of the short-term renewal of the Federal Waiver is to allow continued use of the Federal Waiver while Regional Water Board staff develop the Federal Lands Permit. A short-term renewal of the Federal Waiver is necessary because the Federal Waiver will expire prior to the completion of a draft Federal Lands Permit and supporting California Environmental Quality Act (CEQA) document.

Regional Water Board staff are considering several significant modifications to the Federal Waiver for inclusion in the future Federal Lands Permit. Development of the Federal Lands Permit will include: modifying several procedural and regulatory aspects of the Federal Waiver and its associated monitoring and reporting requirements; improving the current Federal Waiver's application to federal lands that are managed by the Bureau of Land Management and National Park Service; and conducting an updated and expanded environmental analysis for compliance with CEQA. These modifications are intended to adapt the permit to better accommodate fuels management, revise the regulatory approach to permitting livestock grazing allotments, reduce threats to communities from catastrophic wildfire, and provide an alternative approach to treating legacy sediment sites on federal lands.

Regional Water Board staff anticipate proposing a draft Federal Lands Permit and supporting CEQA document for Regional Water Board adoption by fall 2022. The Federal Lands Permit development process will include several Regional Water Board, public, and stakeholder engagement opportunities such as: a public CEQA scoping meeting; a public workshop for the draft Federal Lands Permit; formal public comment periods for both the draft Federal Lands Permit and supporting CEQA document; and a formal public hearing to consider adoption of the proposed Federal Lands Permit. Additionally, consistent with Assembly Bill 52 and the State Water Resources Control Board's Tribal Consultation Policy¹, Regional Water Board staff will initiate government-to-government consultations with interested Tribal governments to discuss the draft Federal Lands Permit and CEQA analysis considerations for tribal cultural resources. Furthermore, the Regional Water Board's Forest Activities on Federal Lands webpage will be updated regularly to reflect the Federal Lands Permit development process, proposed timeline, and stakeholder engagement opportunities.

PUBLIC COMMENT: A draft version of the Proposed Order was posted to the Regional Water Board's website for a 30-day public comment period on May 1 and concluded on June 1, 2020. No written comments on the draft Proposed Order were received during the public comment period and there are no staff-initiated changes. Staff anticipate the Proposed Order to be uncontested.

RECOMMENDATION: Adopt Order No. R1-2020-0021 as proposed.

SUPPORTING DOCUMENTS:

- Proposed Order R1-2020-0021
- Notice of Public Hearing and Comment Period
- Order No. R1-2015-0021 Federal Waiver

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¹ State Water Resources Control Board Tribal Consultation Policy:
https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/docs/california_water_board_tribal_consultation_policy.pdf